

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION

No. 4:97-CR-00002-F-1

UNITED STATES OF AMERICA,)	
)	
v.)	<u>ORDER</u>
)	
GREGORY DEVON WORSLEY,)	
Defendant.)	

This matter is before the court on Gregory Devon Worsley's Motion to Correct Error [DE-62] filed pursuant to Rule 36 of the Federal Rules of Criminal Procedure. Worsley argues that his request to participate in the Residential Drug Abuse Program ("RDAP") at FCI-Beckley was erroneously denied due to a *previous* conviction involving the possession of a firearm because he "does not have a current instant conviction for possession of firearms."

On February 3, 1997, Worsley pled guilty to Conspiracy to Distribute and Possess With Intent to Distribute Cocaine Base, in violation of 21 U.S.C. § 846. On April 28, 1997, Worsley was sentenced to 156 months' imprisonment, which was to be followed by 60 months of supervised release. *See* Judgment [DE-16]. Then, on June 3, 2003, pursuant to Rule 35(b) of the Federal Rules of Criminal Procedure, Worsley's sentence was reduced to 120 months' imprisonment. *See* Amended Judgment [DE-32].

Worsley was released from custody and his supervised release commenced on August 30, 2005. [DE-58.] On May 16, 2008, Worsley's supervised release was revoked due to criminal conduct. *Id.*

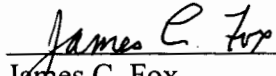
Rule 36 of the Federal Rules of Criminal Procedure provides: "After giving any notice it considers appropriate, the court may at any time correct a clerical error in a judgment, order, or

other part of the record, or correct an error in the record arising from oversight or omission.”

A review of the record reveals that Worsley’s supervised release was revoked on May 16, 2008 for drug offenses and the possession of a firearm by a felon. The undersigned finds that because the basis for his revocation involved the possession of a firearm, Worsley has failed to show that his Judgment contains an error which should be “corrected.” Accordingly, Worsley’s Motion to Correct Error [DE-62] is DENIED.

SO ORDERED.

This, the 26th day of March, 2013



James C. Fox
Senior United States District Judge